

**PHARMACY EXAMINING BOARD
MEETING MINUTES
MAY 22, 2013**

PRESENT: Rocky LaDien; Charlotte Rasmussen, Thaddeus Schumacher, Jeanne Severson, Kristi Sullivan, and; Jason Walker-Crawford (via virtual meeting connection)

EXCUSED: Greg Weber

STAFF: Dan Williams, Executive Director; David Carlson, Bureau Assistant; and other Department staff

CALL TO ORDER

Thaddeus Schumacher, Chair, called the meeting to order at 9:03 a.m. A quorum of six (6) members was present.

ADOPTION OF AGENDA

Amendments to the Agenda

- Item “J” (open session) **ADD** the agenda item titled “J.3 – 12 PHM 074 – Cynthia R. Hennen, R.Ph.”
- Item “P” (closed session) **ADD** the agenda item titled “P.3 – 12 PHM 074 – Cynthia R. Hennen, R.Ph.”

MOTION: Charlotte Rasmussen moved, seconded by Jeanne Severson, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 15, 2013

MOTION: Jeanne Severson moved, seconded by Charlotte Rasmussen, to approve the minutes of April 15, 2013 as published. Motion carried unanimously.

WISCONSIN NURSES ASSOCIATION – WI STATS 450 AND THE PHARMACY PRACTICE ACT

MOTION: Jeanne Severson moved, seconded by Rocky LaDien, to acknowledge that Burt Wagner, Legal Counsel for the Wisconsin Nurses Association, appeared today before the Board and stated that he would provide a copy of the proposed legislation to the Board, as well as specific citations that will be affected in WI Stats. 450. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULES

- MOTION:** Rocky LaDien moved, seconded by Charlotte Rasmussen, to change **Phar 8.09 (3)** to read “If the practitioner is not known to the pharmacist, the pharmacist shall make a reasonable effort to determine that the ~~electronic or~~ oral authorization came from an authorized practitioner, which may include a call back to the prescribing practitioner using ~~the practitioner’s phone number as listed in the telephone directory and other~~ good faith efforts to insure the practitioner’s identity.” Motion carried unanimously.
- MOTION:** Kristi Sullivan moved, seconded by Charlotte Rasmussen, to approve the text of the rule amending Phar 7 and 8 relating to electronic prescriptions, as amended. Motion carried unanimously.
- MOTION:** Charlotte Rasmussen moved, seconded by Rocky LaDien, to designate the Board Chair to review and approve the draft of the rule amending Phar 7 and 8 relating to electronic prescriptions, for submission to Clearinghouse. Motion carried unanimously.
- MOTION:** Rocky LaDien moved, seconded by Charlotte Rasmussen, to approve the text of the rule amending Phar 7.04(1)(e)2. Motion carried unanimously.
- MOTION:** Jeanne Severson moved, seconded by Charlotte Rasmussen, to designate the Board Chair to review and approve the draft of the rule amending Phar 7.04(1)(e)2 for submission to Clearinghouse. Motion carried unanimously.
- MOTION:** Jeanne Severson moved, seconded by Kristi Sullivan, to have DSPS staff work with Legal Counsel to draft a rule, for Board review, relating to Phar 7.015, regarding requirements for pharmacy technicians. Motion carried unanimously.
- MOTION:** Jason Walker-Crawford moved, seconded by Jeanne Severson, to approve the draft scope statement for Phar 7 and to authorize the Chair to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.
- MOTION:** Charlotte Rasmussen moved, seconded by Jeanne Severson, to approve the Scope Statement for Phar 18 and to authorize the Chair to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

PRESCRIPTION DRUG MONITORING PROGRAM UPDATE

- MOTION:** Rocky LaDien moved, seconded by Charlotte Rasmussen, to approve the language change to the Practitioners brochure as recommended by Chad Zadrazil and included below:
“Can I discuss PDMP Data with my patients?
Yes. However, note that PDMP reports contain DEA numbers and other potentially sensitive information. The Board cautions against giving printed reports to patients. Patients wishing to obtain a copy of their report must appear in person at the Wisconsin Department of Safety and Professional Services.”
Motion carried unanimously.

MOTION: Charlotte Rasmussen moved, seconded by Rocky LaDien, to authorize the Chair to sign the Scope Statement for Phar 18 related to veterinarian language. Motion carried unanimously.

MOTION: Kristi Sullivan moved, seconded by Rocky LaDien, to acknowledge and accept the language in the “PDMP Draft Guidance on Collecting Submitting Data to the PDMP for Research Studies” document. Motion carried unanimously.

VARIANCE REPORTS

Delivery

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to accept the Delivery variance report of Aurora – Sheboygan. Motion carried unanimously.

VARIANCE REQUESTS

Shopko Rx Care – Technician-to-Pharmacist Ratio

MOTION: Jason Walker-Crawford moved, seconded by Rocky LaDien, to approve the Technician-to-Pharmacist Ratio variance request of Shopko Rx Care, License #9041 with standard reporting and a ratio of up to 10:1 with an average of no more than 4:1 per month. Motion carried unanimously.

PHARMACY EXAMINING BOARD POSITION STATEMENTS

MOTION: Kristi Sullivan moved, seconded by Rocky LaDien, to accept the position statements discussed at the May 22, 2013 meeting as amended. Motion carried unanimously.

CLOSED SESSION

MOTION: Rocky LaDien moved, seconded by Jeanne Severson, to CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.) The Chair read the motion language to convene to closed session. The vote of each member was ascertained by voice vote. Roll Call Vote: Rocky LaDien-yes; Charlotte Rasmussen-yes; Thaddeus Schumacher-yes; Jeanne Severson-yes; Kristi Sullivan-yes; and Jason Walker-Crawford-yes. Motion carried unanimously.

The Board convened into Closed Session at 1:00 p.m.

RECONVENE TO OPEN SESSION

MOTION: Kristi Sullivan moved, seconded by Charlotte Rasmussen, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:45 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Charlotte Rasmussen moved, seconded by Rocky LaDien, to affirm the following actions taken in closed session. Motion carried unanimously.

MONITORING

Lance Lundstad, R.Ph. – Consideration of Minnesota Action and Noncompliance with WI Order

MOTION: Charlotte Rasmussen moved, seconded by Jeanne Severson, to remove the limitations and grant Lance J. Lunstad a full and unrestricted license. Motion carried. Abstained – One (1).

DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

Christopher J. Schultz, R.Ph.

MOTION: Jeanne Severson moved, seconded by Rocky LaDien, to rescind the motion of 4/15/13 adopting the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Christopher J. Schultz, R.Ph., Respondent – DLSC Case # 12 PHM 062. Motion carried unanimously.

MOTION: Jeanne Severson moved, seconded by Kristi Sullivan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order, signed by the respondent 4/25/13, in the matter of disciplinary proceedings against Christopher J. Schultz, R.Ph., Respondent – DLSC Case # 12 PHM 062. Motion carried unanimously.

Patrick D. Halton, R.Ph.

MOTION: Jeanne Severson moved, seconded by Charlotte Rasmussen, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Patrick D. Halton, R.Ph., Respondent – DLSC Case # 13 PHM 003. Motion carried unanimously.

Cynthia R. Hennen, R.Ph.

MOTION: Charlotte Rasmussen moved, seconded by Kristi Sullivan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Cynthia R. Hennen, R.Ph., Respondent – DLSC Case # 12 PHM 074. Motion carried unanimously.

ADJOURNMENT

MOTION: Jeanne Severson moved, seconded by Kristi Sullivan, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:52 p.m.